

## **DECLARATION OF EMERGENCY**

### **Department of Environmental Quality Office of the Secretary**

Sewage Sludge Regulatory Management  
LAC 33:VII.301 and 303, and IX:6901, 6903, 6905, 6907, 6909, 6911, and 7135  
(OS066E)

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, which allow the Department of Environmental Quality to use emergency procedures to establish rules, and of R.S. 30:2011 and 2074, which allow the department to establish standards, guidelines, and criteria, to promulgate rules and regulations, and to issue compliance schedules, the secretary of the department hereby declares that an emergency action is necessary in order to prevent the unauthorized disposal of sewage sludge in treatment works treating domestic sewage and other areas unprepared to receive the waste stream.

Sewage sludge is managed by three different programs within the state and the EPA. The multiple permitting process is a cumbersome and expensive process for both the state and the regulated community, hence, inadequately permitted and/or designed facilities to accept the waste, which is produced in a persistent manner. The potential for dumping of sewage sludge presents a potential health risk to the public and the environment in areas of the state that are under-developed for receiving the waste. This emergency rule attempts to streamline and expedite the permitting process by removing the solid waste requirements for the management of sewage sludge from the solid waste regulations (LAC 33:Part VII). Sewage sludge will be managed by LAC 33:IX.Chapter 69 that is reflective of and equivalent to the Clean Water Act Section 503 program at the federal level.

This Emergency Rule is effective on September 1, 2005, and shall remain in effect for a maximum of 120 days or until a final rule is promulgated, whichever occurs first. For more information concerning OS066E you may contact the Regulation Development Section at (225) 219-3550.

This Emergency Rule is available on the Internet at [www.deq.louisiana.gov](http://www.deq.louisiana.gov) under Rules and Regulations, and is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Adopted this 1st day of September, 2005.

Mike D. McDaniel, Ph.D.  
Secretary

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part VII. Solid Waste**  
**Subpart 1. Solid Waste Regulations**

**Chapter 3. Scope and Mandatory Provisions of the Program**

**§301. Wastes Governed by These Regulations**

All solid wastes as defined by the act and these regulations are subject to the provisions of these regulations, except as follows:

A.-A.8. ...

9. ~~sewage sludge and domestic septage as defined by LAC 33:IX.Chapter 69 of the Water Quality regulations will be exempt from all requirements of LAC 33:VII, except for the transportation requirements in LAC 33:VII.503, 529, and 705, upon the date of receipt by the department of sewage sludge program authority from EPA in accordance with 40 CFR Part 501 under the NPDES program.~~ sewage sludge (including domestic septage) that is generated, treated, processed, composted, blended, mixed, prepared, transported, used, or disposed of in accordance with LAC 33:IX.Chapter 69. Provisions addressing sewage sludge and domestic septage found throughout these regulations will no longer apply ~~once the department receives program authority.~~

B.-B.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2515 (November 2000), LR 28:780 (April 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 31:\*.

**§303. Wastes Not Subject to the Permitting Requirements or Processing or Disposal Standards of These Regulations**

The following solid wastes, ~~that when~~ are processed or disposed of in an environmentally sound manner, are not subject to the permitting requirements or processing or disposal standards of these regulations:

A.-J.2. ...

K. solid wastes re-used in a manner protective of human health and the environment, as demonstrated by a soil re-use plan prepared in accordance with LAC 33:I.Chapter 13 and approved by the administrative authority; ~~and~~

L. other wastes deemed acceptable by the administrative authority based on possible environmental impact; ~~and~~

M. mixtures of solid wastes and sewage sludge, when such mixtures meet the requirements of LAC 33:IX.Chapter 69.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 24:2250 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2515 (November 2000), repromulgated LR 27:703 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:\*\*.

## **Part IX. Water Quality**

### **Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program**

#### **Chapter 69. Standards for the Use or Disposal of Sewage Sludge**

##### **§6901. General Provisions**

###### **A. Purpose and Applicability**

###### **1. Purpose**

a. This Chapter establishes standards, which consist of general and other requirements, pollutant limits, general and other management practices, and operational standards, for the final use or disposal of sewage sludge generated during the treatment of domestic sewage in a treatment works and of domestic septage. Standards are included in this Chapter for sewage sludge; and domestic septage (hereafter referred to collectively as sewage sludge for the purposes of this Chapter) and a material derived from sewage sludge, and domestic septage that is applied to the land or and sewage sludge fired in a sewage sludge incinerator. Also included in this Chapter are pathogen and alternative vector attraction reduction requirements for sewage sludge; and a material derived from sewage sludge, and domestic septage applied to the land; and also the siting, operation, and financial assurance requirements for commercial blenders, composters, mixers, or preparers, and land applicators of sewage sludge or and a material derived from sewage sludge; and the standards for transporters of sewage sludge and for vehicles of transporters of sewage sludge.

b. The standards in this Chapter include the frequency of monitoring, recordkeeping requirements, and reporting requirements for Class I sludge management facilities as defined in Subsection HI of this Section.

c. This Chapter establishes requirements for the person who prepares sewage sludge, including dewatering and solidification, that is disposed in a Municipal Solid Waste Landfill.

d. ...

###### **2. Applicability**

a. This Chapter applies to:

- i. any person who prepares sewage sludge or a material derived from sewage sludge, including the dewatering and solidification of sewage sludge;
  - ii. any person who applies sewage sludge, or a material derived from sewage sludge, or domestic septage to the land;
  - iii. any person who prepares sewage sludge, including dewatering and solidification, that is disposed in a Municipal Solid Waste Landfill;
  - iv. the owner/operator of a surface disposal site; ~~and~~
  - v. the owner/operator of a sewage sludge incinerators; and
  - vi. the transporter of sewage sludge and the vehicle being utilized to transport the sewage sludge.
- b. This Chapter applies to sewage sludge, and a material derived from sewage sludge, or domestic septage that is applied to the land or placed on a surface disposal site, to the land where the sewage sludge, or a material derived from sewage sludge, or domestic septage is applied, and to a surface disposal site.
- c. ...
- d. This Chapter applies to the ~~person who prepares sewage sludge that is disposed in a Municipal Solid Waste Landfill (MSWL).~~

#### B. Compliance Period

##### 1. - 3.a. ...

- b. Compliance with the requirements in Paragraphs ~~EF~~ 2, 3, and 4 of this Section shall be achieved as expeditiously as practicable, but in no case later than two years from ~~receipt of program authorization under the NPDES program~~ the effective date of these regulations ([date of promulgation to be inserted]).
- c. Upon the effective date of these regulations ([date of promulgation to be inserted]), those persons who have been:
  - i. received/granted an exemption under LAC 33:Part VII for any form of use or disposal of sewage sludge will have 180 days to submit an application for permit coverage under these regulations;
  - ii. issued a standard solid waste permit under LAC 33: Part VII for the use, disposal, treatment, or processing of sewage sludge, with the exception of a standard solid waste permit issued for a type of *surface disposal* as defined in Subsection I of this Section, may continue operations under the standard solid waste permit until such time as a permit has been reissued under these regulations by the administrative authority or for a period not to exceed five years, whichever is less;
  - iii. issued a standard solid waste permit for a type of *surface disposal* as defined in Subsection I of this Section shall comply with the requirements in Subparagraph B.3.b of this Section.

d. Those persons who are allowed to continue operation for a 5-year period under a standard solid waste permit under LAC 33:Part VII as allowed under Clause B.3.c.ii of this Section and who have not been reissued a permit under these regulations by the administrative authority shall submit to the administrative authority an application for permit issuance under these regulations at least 180 days prior to expiration of the 5-year period, if they intend to continue operations after that date.

e. Operation under the standard solid waste permit issued under LAC 33:Part VII may be reduced to a period of less than the five years allowed in Clause B.3.c.ii of this Section if deemed necessary by the administrative authority for the protection of human health and/or the environment.

f. Upon assumption of a sewage sludge management program from the Environmental Protection Agency, those persons who:

i. are presently operating under a permit issued under these regulations may continue operation under the issued permit if they intend to continue operation after assumption of the sewage sludge management program;

ii. do not have a permit issued under these regulations shall have a period of no greater than 180 days after assumption of the sewage sludge management program to submit an application for permit coverage under these regulations.

### C. Permits and Permitting Requirements

1.a. Except as exempted in Paragraph C.2 of this Section, no person shall prepare sewage sludge or a material derived from sewage sludge; ~~apply sewage sludge, or a material derived from sewage sludge, or domestic sewage to the land;~~ or own or operate a sewage sludge incinerator without first obtaining a permit that authorizes such practice in accordance with the applicable requirements of this Chapter and LAC 33:III.Chapter 5, in the case of sewage sludge incinerators.

b. The person who prepares sewage sludge or a material derived from sewage sludge and the person who applies sewage sludge; ~~or a material derived from sewage sludge, or domestic sewage to the land~~ shall use the application forms indicated in LAC 33:IX.2501.A.2 and furnish the information requested in LAC 33:IX.2501.Q.

c. ...

2.a. The person who applies bagged sewage sludge or a bagged material derived from sewage sludge to the land is exempt from the requirement of obtaining a permit if the person applies bagged sewage sludge or a bagged material derived from sewage sludge that is *Exceptional Quality* as defined in Subsection ~~H~~I of this Section.

b. The person who applies bulk sewage sludge or a bulk material derived from sewage sludge to the land is exempt from the requirement of obtaining a permit if the person applies bulk sewage sludge or a bulk material derived from sewage sludge that was obtained from a facility ~~with that possesses an Exceptional Quality Certification Permit under LAC 33:IX.6903.J, and that person provides proof to~~

~~the state administrative authority that the bulk sewage sludge or the bulk material derived from sewage sludge was obtained from a facility with an Exceptional quality Certification.~~

c. ~~The state administrative authority may exempt any other person who applies sewage sludge; or a material derived from sewage sludge; or domestic septage to the land from the requirement of obtaining a permit, on a case-by-case basis, after determining that human health and the environment will not be adversely affected by the application of sewage sludge; or a material derived from sewage sludge; or domestic septage to the land.~~

3.a. The person who prepares sewage sludge; the person who applies sewage sludge to the land; the commercial blender, composter, mixer, preparer, or land applier of sewage sludge; and the owner and/or operator of a sewage sludge incinerator who desires to maintain a permit shall obtain adequate training and certification in the processing, treatment, land application, and incineration of sewage sludge.

b. Upon certification, the person who prepares sewage sludge; the person who applies sewage sludge to the land; the commercial blender, composter, mixer, preparer, or land applier of sewage sludge; and the owner and/or operator of a sewage sludge incinerator shall provide proof to the administrative authority of continued training of at least eight continuing education units on an annual basis in the form of classes, seminars, conferences, or conventions approved by the administrative authority.

4. The person who transports sewage sludge shall only transport the sewage sludge to a facility that is permitted to either treat, process, incinerate, or dispose of the sewage sludge or to a site that is permitted for the land application of treated sewage sludge.

5. A transporter of sewage sludge shall notify the Office of Environmental Services, Water and Waste Permits Division, prior to engaging in such activities, utilizing a form that is obtained from the Office of Environmental Services, Water and Waste Permits Division.

D. Sewage Sludge Disposed in a Municipal Solid Waste Landfill

1. - 2. ...

3.a. The person who produces sewage sludge that is disposed in a Municipal Solid Waste Landfill shall provide proof to the state administrative authority that the sewage sludge is being disposed at an approved landfill by furnishing the name, address, and permit number of the landfill to the state administrative authority.

b. The person who produces sewage sludge shall provide to the administrative authority copies of all sampling and laboratory analyses of the sewage sludge that are required by the owner/operator of the Municipal Solid Waste Landfill where the sewage sludge is disposed.

E. Standards for Vehicles of Transporters of Sewage Sludge

1. The types and sizes of vehicles shall comply with the regulations and licensing of the Department of Transportation and Development and with applicable

local ordinances governing weight and size for the roads and streets that must be traveled during the transporting of sewage sludge.

2. The bodies of vehicles must be covered at all times, except during loading and unloading, in a manner that prevents rain from reaching the sewage sludge, inhibits access by vectors, prevents the sewage sludge from falling or blowing from the vehicle, minimizes escape of odors, and does not create a nuisance.

3. The bodies of vehicles that are utilized to transport liquefied sewage sludge or a sewage sludge that is capable of producing a leachate shall be constructed and/or enclosed with an appropriate material that will completely prevent the leakage or spillage of the liquid.

E.F. Prohibitions, Restrictions, and Additional or More Stringent Requirements

1.a. No person shall use or dispose of sewage sludge, or a material derived from sewage sludge, ~~or domestic septage~~ through any practice for which requirements have not been established in this Chapter.

b. No person shall use or dispose of sewage sludge, or a material derived from sewage sludge, ~~or domestic septage~~ except in accordance with the requirements in this Chapter.

2. Surface disposal, as defined in Subsection ~~HI~~ of this Section, is prohibited as a use or disposal method of sewage sludge, or of a material derived from sewage sludge, ~~or of domestic septage~~.

3.a. ~~To store, or s~~Storage of; sewage sludge, as defined in Subsection ~~HI~~ of this Section, is allowed for a period not to exceed six consecutive months when:

i. necessary for the upgrade, repair, or maintenance of a treatment works treating domestic sewage or for agricultural storage purposes when the sewage sludge is to be used for beneficial use as defined in Subsection ~~HI~~ of this Section;

ii. notification has been made by the person who wishes to store the sewage sludge to the ~~state~~-administrative authority; and

iii. subsequent approval by the ~~state~~-administrative authority has been received.

b.i. The ~~state~~-administrative authority may approve the storage of sewage sludge for commercial blenders, composters, mixers, or preparers of sewage sludge or for purposes other than those listed in Subparagraph ~~EF.3.a~~ of this Section, for a period greater than six consecutive months, if the person who stores the sewage sludge demonstrates that the storage of the sewage sludge will not adversely affect human health and the environment.

ii. The demonstration shall be in the form of an official request forwarded to the ~~state~~-administrative authority at least 90 days prior to the storage of the sewage sludge and shall include, but is not limited to:

(a). the name and address of the person who prepared the sewage sludge;



- (b). the name and address of the person who either owns the land or leases the land where the sewage sludge is to be stored, if different from the person who prepared the sewage sludge;
- (c). the location, by either street address or latitude and longitude, of the land;
- (d). an explanation of why the sewage sludge needs to remain on the land;
- (e). an explanation of how human health and the environment will not be affected;
- (f). the approximate date when the sewage sludge will be stored on the land and the approximate length of time the sewage sludge will be stored on the land; and
- (g). the final use and disposal method after the storage period has expired.

iii.(a). The ~~state~~ administrative authority shall make a determination as to whether or not the information submitted is complete and shall issue the determination within 30 days of having received the request. If the information is deemed incomplete, the ~~state~~ administrative authority will issue a notice of deficiency. The commercial blender, composter, mixer, or preparer of sewage sludge shall have 45 days, thereafter, to respond to the notice of deficiency.

(b). Within 30 days after deeming the information complete, the ~~state~~ administrative authority will then make and issue a determination to grant or deny the request for the storage of sewage sludge.

4.a. The use of ponds; or lagoons; ~~or landfarms~~ is allowed for the treatment of sewage sludge ~~or domestic septage~~, as defined in Subsection ~~HI~~ of this Section, only after a permit has been granted under these regulations and the applicable ~~air, solid waste, hazardous waste,~~ and water discharge permits have been applied for and granted by the ~~state~~ administrative authority.

b. The person who makes use of a pond; or lagoon; ~~or landfarm~~ to treat sewage sludge ~~or domestic septage~~ shall provide documentation to the ~~state~~ administrative authority that indicates the final use or disposal method for the sewage sludge ~~or domestic septage~~ and shall apply for the appropriate permit for the chosen final use or disposal in accordance with this Chapter.

c. The person who makes use of a pond or lagoon to treat sewage sludge shall provide documentation by a qualified groundwater scientist to the administrative authority that indicates that the area where the pond or lagoon is located will adequately protect against potential groundwater contamination either by natural soil or by a synthetic liner that has a hydraulic conductivity of  $1 \times 10^{-7}$  centimeters per second or less.

5. ~~The application of domestic septage to a residential lawn or garden is prohibited.~~ Materials Prohibited from Feedstock or Supplements that are Blended, Composted, or Mixed with Sewage Sludge

6.——a.i. The person who generates, transports, or treats sewage sludge shall not blend, compost, or mix hazardous waste with sewage sludge.

ii. The blending, composting, or mixing of sewage sludge with feedstock or supplements containing any of the materials listed in Table 1 of LAC 33:IX.6901.EF ~~or whose hazardous waste codes are those other than D002 or D003~~ is prohibited.

b. The ~~state~~ administrative authority may prohibit the use of other materials as feedstock or supplements if the use of such materials has a potential to adversely affect human health or the environment, as determined by the administrative authority.

c. Material utilized as feedstock or supplements and blended, composted, or mixed with sewage sludge must be sampled and analyzed on an annual basis to determine if the material is nonhazardous by a hazardous waste determination in accordance with 40 CFR Part 261 and/or LAC 33:Part V.

d. Results of the sampling and analysis required in Subparagraph F.5.c of this Section must be submitted to the administrative authority on an annual basis.

<b>Table 1 of LAC 33:IX.6901.EF Materials Prohibited from Feedstock or Supplements That Are Blended, Composted, or Mixed with Sewage Sludge</b>
Antifreeze
Automotive (lead-acid) batteries
Brake fluid
Cleaners (drain, oven, toilet)
Gasoline and gasoline cans
Herbicides
Household (dry cell) batteries
Oil-based paint
Pesticides
Photographic supplies
Propane cylinders
Treated wood containing the preservatives CCA and/or PCP
Tubes and buckets of adhesives, caulking, etc.
Swimming pool chemicals
Unmarked containers
Used motor oil

6.a. Sewage sludge composting operations shall not be located on airport property unless an exemption or approval is granted by the U.S. Department of Transportation's Federal Aviation Administration.

b. If an exemption or approval is granted by the U. S. Department of Transportation's Federal Aviation Administration to allow a sewage sludge

composting operation to be located on airport property, the location restrictions at LAC 33:IX.6905.A.1.f and g for off-airport property operations shall apply.

7.a. The use of raw or untreated sewage sludge, or treated sewage sludge that does not meet the requirements for *Exceptional Quality* as defined in Subsection I of this Section, for daily cover at a Municipal Solid Waste Landfill facilities is prohibited.

b. The use of sewage sludge as interim ~~and/or~~ final cover ~~for at a Municipal Solid Waste Landfill facilities~~ is allowed only if the sewage sludge meets the requirements and is used in accordance with the requirements in LAC 33:IX.6903.

8. No person shall introduce sewage sludge that is blended or mixed with grease, as defined in Subsection I of this Section, that was pumped or collected from a food service facility, as defined in Subsection I of this Section, into any part of a treatment works, as defined in Subsection I of this Section, including its collection system.

~~9.8.a.~~ On a case-by-case basis, the permitting authority may impose requirements in addition to or more stringent than the requirements in this Chapter when necessary to protect human health and the environment from any adverse effect of a pollutant in the sewage sludge.

~~b. — Nothing in this Chapter precludes a local government, district, or political subdivision thereof or interstate agency from imposing additional or more stringent requirements than the requirements presented in this Chapter.~~

#### FG. Exclusions

1. Treatment Processes. This Chapter does not establish requirements for processes used to treat domestic sewage or for processes used to treat sewage sludge prior to final use or disposal, except as provided in LAC 33:IX.6909.C and D.

2. Selection of a Use or Disposal Practice. This Chapter does not require the selection of a sewage sludge use or disposal practice. The determination of the manner in which sewage sludge is used or disposed is to be made by the person who prepares the sewage sludge.

#### 3. Co-Firing of Sewage Sludge

a. Except for the co-firing of sewage sludge with *auxiliary fuel*, as defined in LAC 33:IX.6911.B, this Chapter does not establish requirements for sewage sludge co-fired in an incinerator with other wastes or for the incinerator in which sewage sludge and other wastes are co-fired.

b. This Chapter does not establish requirements for sewage sludge co-fired with auxiliary fuel if the auxiliary fuel exceeds 30 percent of the dry weight of the sewage sludge and auxiliary fuel mixture.

4. Sludge Generated at an Industrial Facility. This Chapter does not establish requirements for the use or disposal of sludge generated at an industrial facility during the treatment of industrial wastewater, including sewage sludge generated during the treatment of industrial wastewater combined with domestic sewage.

5. Hazardous Sewage Sludge. This Chapter does not establish requirements for the use or disposal of sewage sludge or a material derived from sewage sludge that is hazardous under 40 CFR Part 261 and/or LAC 33:V.

6. Sewage Sludge with High PCB Concentration. This Chapter does not establish requirements for the use or disposal of sewage sludge with a concentration of polychlorinated biphenyls (PCBs) equal to or greater than 50 milligrams per kilogram of total solids (dry weight basis).

7. Incinerator Ash. This Chapter does not establish requirements for the use or disposal of ash generated during the firing of sewage sludge in a sewage sludge incinerator.

8. Grit and Screenings. This Chapter does not establish requirements for the use or disposal of grit (e.g., sand, gravel, cinders, or other materials with a high specific gravity) or screenings (e.g., relatively large materials such as rags) generated during preliminary treatment of domestic sewage in a treatment works.

9. Drinking Water Treatment Sludge. This Chapter does not establish requirements for the use or disposal of sludge generated during the treatment of either surface water or groundwater used for drinking water.

10. Commercial and Industrial Septage. This Chapter does not establish requirements for the use or disposal of commercial septage, or industrial septage, a mixture of domestic septage and commercial septage, or a mixture of domestic septage and industrial septage, excluding portable toilet waste.

~~11. Transporters and Haulers of Sewage Sludge or Domestic Septage. This Chapter does not establish requirements for the transporting and hauling of sewage sludge or domestic septage. Transporters and haulers of sewage sludge or domestic septage must comply with all of the applicable requirements of LAC 33:VII pertaining to the transporting or hauling of sewage sludge or domestic septage.~~

#### ~~G.H.~~ Sampling and Analysis

##### 1. Sampling

a. The permittee shall collect and analyze representative samples of sewage sludge, or a material derived from sewage sludge, ~~or domestic septage~~ that is applied to the land, and sewage sludge fired in a sewage sludge incinerator.

b. The permittee shall create and maintain records of sampling and monitoring information that shall include:

- i. the date, exact place, and time of sampling or measurements;
- ii. the individual(s) who performed the sampling or measurements;
- iii. the date(s) analyses were performed;
- iv. the individual(s) who performed the analysis;
- v. the analytical techniques or methods used; and

vi. the results of such analysis.

2. Methods. The materials listed below are incorporated by reference in this Chapter. The materials are incorporated as they exist on the date of approval, and notice of any change in these materials will be published in the *Louisiana Register*. They are available for inspection at the Office of the Federal Register, 7th Floor, Suite 700, 800 North Capitol Street, NW, Washington, DC, and at the Office of Water Docket, Room L-102, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC. Copies may be obtained from the standard producer or publisher listed in the regulation. Information regarding other sources of these documents is available from the Department of Environmental Quality, Office of Environmental Services, Water and Waste Permits Division. Methods in the materials listed below shall be used to analyze samples of sewage sludge.

a. Enteric Viruses. ASTM Designation: D 4994-89, "Standard Practice for Recovery of Viruses From Wastewater Sludges," 1992 Annual Book of ASTM Standards: Section 11—Water and Environmental Technology, ASTM, 1916 Race Street, Philadelphia, PA 19103-1187.

b. Fecal Coliform. Part 9221 E or Part 9222 D, "Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992, American Public Health Association, 1015 15th Street, NW, Washington, DC 20005.

c. Helminth Ova. Yanko, W.A., "Occurrence of Pathogens in Distribution and Marketing Municipal Sludges," EPA 600/1-87-014, 1987. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (PB 88-154273/AS).

d. Inorganic Pollutants. *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, EPA Publication SW-846, Second Edition (1982) with Updates I (April 1984) and II (April 1985) and Third Edition (November 1986) with Revision I (December 1987). Second Edition and Updates I and II are available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (PB-87-120-291). Third Edition and Revision I are available from Superintendent of Documents, Government Printing Office, 941 North Capitol Street, NE, Washington, DC 20002 (Document Number 955-001-00000-1).

e. *Salmonella* sp. Bacteria. Part 9260 D, "Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992, American Public Health Association, 1015 15th Street, NW, Washington, DC 20005; or Kenner, B.A. and H.P. Clark, "Detection and Enumeration of Salmonella and Pseudomonas Aeruginosa," *Journal of the Water Pollution Control Federation*, Vol. 46, No. 9, September 1974, pp. 2163-2171. Water Environment Federation, 601 Wythe Street, Alexandria, VA 22314.

f. Specific Oxygen Uptake Rate. Part 2710 B, "Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992, American Public Health Association, 1015 15th Street, NW, Washington, DC 20005.

g. Total, Fixed, and Volatile Solids. Part 2540 G, "Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992, American Public Health Association, 1015 15th Street, NW, Washington, DC 20005.

h. Incineration of Sewage Sludge—Standards of Performance and Particulate Matter. Materials and Methods at 40 CFR Part 60 as incorporated by reference at LAC 33:III.3003.

i. Incineration of Sewage Sludge—National Emission Standards for Beryllium and for Mercury. Materials, Methods, and Standards at 40 CFR Part 61 as incorporated by reference at LAC 33:III.5116.

j. Composting of Sewage Sludge. *Test Methods for the Examination of Composting and Compost*, The US Composting Council Research and Education Foundation and USDA, TMECC Website: <http://tmecc.org/tmecc/index.html>.

k. Nutrients – *Methods of Soil Analysis*, Soil Science Society of America Series (Most Recent Editions).

H.I. General Definitions. The following terms used in this Chapter shall have the meanings listed below, unless the context otherwise requires, or unless specifically redefined in a particular section.

*Administrative Authority*—the secretary of the Department of Environmental Quality or his designee or the appropriate assistant secretary or his designee.

*Air Operations Area*—any area of an airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft. An *air operations area* includes paved areas or unpaved areas that are used or intended to be used for the unobstructed movement of aircraft, in addition to those areas' associated runways, taxiways, or aprons.

*Apply Sewage Sludge or Sewage Sludge Applied to the Land*—land application of sewage sludge.

*Base Flood*—a flood that has a 1 percent chance of occurring in any given year (i.e., a flood with a magnitude equaled once in 100 years).

*Beneficial Use*—using sewage sludge or a material derived from sewage sludge ~~or domestic septage~~ for the purpose of soil conditioning or crop or vegetative fertilization in a manner that does not pose adverse effects upon human health and the environment or cause any deterioration of land surfaces, soils, surface waters, or groundwater.

*Bulk Sewage Sludge*—sewage sludge that is not sold or given away in a bag or other container for application to the land.

*Class I Sludge Management Facility*—for the purpose of this Chapter:

a. any publicly owned treatment works (POTW) or privately owned wastewater treatment device or system, regardless of ownership, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage;

b. the person who prepares sewage sludge or a material derived from sewage sludge, including commercial blenders, composters, mixers, ~~or preparers,~~ and land applicators;

c. the owner/operator of a sewage sludge incinerator; and

d. the person who applies sewage sludge; or a material derived from sewage sludge, ~~or domestic septage~~ to the land.

*Commercial Blender, Composter, Mixer, ~~or~~ Preparer, or Land Applier of Sewage Sludge*—any person who prepares or land-applies sewage sludge or a material derived from sewage sludge for monetary profit or other financial consideration and either the person is not the generator of the sewage sludge or the sewage sludge was obtained from a facility or facilities not owned by or associated with the person.

*Cover Crop*—a small grain crop, such as oats, wheat, or barley, not grown for harvest.

*Domestic Septage*—either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.

*Domestic Sewage*—waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

*Dry Weight Basis*—calculated on the basis of having been dried at 105°C until reaching a constant mass (i.e., essentially 100 percent solids content).

*Exceptional Quality*—sewage sludge or a material derived from sewage sludge that meets the ceiling concentrations in Table 1 of LAC 33:IX.6903.D, the pollutant concentrations in Table 3 of LAC 33:IX.6903.D, the pathogen requirements in LAC 33:IX.6909.C.1, one of the vector attraction reduction requirements in LAC 33:IX.6909.D.2.a-h, and the concentration of PCBs of less than 10 mg/kg of total solids (dry weight).

*Feed Crops*—crops produced primarily for consumption by animals.

*Feedstock*—primarily biologically decomposable organic material that is blended, mixed, or composted with sewage sludge.

*Fiber Crops*—crops such as flax and cotton.

*Food Crops*—crops consumed by humans. These include, but are not limited to, fruits, vegetables, and tobacco.

*Food Service Facility*—any facility that prepares and/or packages food or beverages for sale or consumption, on- or off-site, with the exception of private residences. Food service facilities include, but are not limited to, food courts, food manufacturers, food packagers, restaurants, grocery stores, bakeries, lounges, hospitals, hotels, nursing homes, churches, schools, and all other food service facilities not listed above.

*Grease*—a material, either liquid or solid, composed primarily of fat, oil, or grease from animal or vegetable sources. The terms fats, oils, and grease; oil and grease; and oil and grease substances shall all be included within this definition.

*Groundwater*—water below the land surface in the saturated zone.

*Industrial Park*—an area that is legally zoned for the purpose of the construction and operation of a group of industries and businesses and entered as legally zoned for

such purpose in the public records of the state, parish, city, town, or community where the park is located.

*Industrial Wastewater*—wastewater generated in a commercial or industrial process.

*Land Application*—the beneficial use of sewage sludge, or a material derived from sewage sludge, or domestic septage by either spraying or spreading onto the land surface, injection below the land surface, or incorporation into the soil.

*Other Container*—either an open or closed receptacle. This includes, but is not limited to, a bucket, a box, a carton, and a vehicle or trailer with a load capacity of one metric ton or less.

*Permitting Authority*—either EPA or a state with an EPA-approved sludge management program.

*Person Who Prepares Sewage Sludge*—either the person who generates sewage sludge during the treatment of domestic sewage in a treatment works or the person who derives a material from sewage sludge, including by the dewatering and solidification of sewage sludge.

*Pollutant*—an organic substance, an inorganic substance, a combination of organic and inorganic substances, or a pathogenic organism that, after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism either directly from the environment or indirectly by ingestion through the food chain, could, on the basis of information available to the administrative authority, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction), or physical deformations in either organisms or offspring of the organisms.

*Pollutant Limit*—a numerical value that describes the amount of a pollutant allowed per unit amount of sewage sludge (e.g., milligrams per kilogram of total solids); the amount of a pollutant that can be applied to a unit area of land (e.g., kilograms per hectare); or the volume of a material that can be applied to a unit area of land (e.g., gallons per acre).

*Qualified Groundwater Scientist*—an individual with a baccalaureate or post-graduate degree in the natural sciences or engineering who has sufficient training and experience in groundwater hydrology, subsurface geology, and/or related fields, as may be demonstrated by state registration, professional certification, or completion of accredited university programs, to make sound professional judgments regarding groundwater monitoring, pollutant fate and transport, and corrective action.

*Runoff*—rainwater, leachate, or other liquid that drains overland on any part of a land surface and runs off of the land surface.

*Sewage Sludge*—any solid, semisolid, or liquid residue removed during the treatment of municipal wastewater or domestic sewage. Sewage sludge includes, but is not limited to, solids removed during primary, secondary, or advanced wastewater treatment, scum, septage, portable toilet pumpings, type III marine sanitation device pumpings (33 CFR Part 159), and sewage sludge products. Sewage sludge does not



include grit or screenings, or ash generated during the incineration of sewage sludge.

*Surface Disposal*—the use or disposal of sewage sludge that does not meet the criteria of *land application* as defined in this Subsection. This may include, but is not limited to, ponds, lagoons, sewage sludge only landfills (monofills), or landfarms.

*Supplements*—for the purpose of this Chapter, materials blended, composted, or mixed with sewage sludge or other feedstock and sewage sludge in order to raise the moisture level and/or to adjust the carbon to nitrogen ratio, and materials added during composting or to compost to provide attributes required by customers for certain compost products.

*To Store, or Storage of, Sewage Sludge*—the temporary placement of sewage sludge on land.

*To Treat, or Treatment of, Sewage Sludge ~~or Domestic Septage~~*—the preparation of sewage sludge ~~or domestic septage~~ for final use or disposal. This includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge. This does not include storage of sewage sludge.

*Transporter of Sewage Sludge*—any person who moves sewage sludge off-site or moves sewage sludge to a storage site, treatment or processing site, disposal site, or land application site.

*Treatment Works*—either a federally owned, publicly owned, or privately owned device or system used to treat (including recycle and reclaim) either domestic sewage or a combination of domestic sewage and industrial waste of a liquid nature.

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30:2074(B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:781 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:\*\*.

### **§6903. Land Application**

#### **A. Applicability**

1. This Section applies to any person who prepares sewage sludge or a material derived from sewage sludge that is applied to the land; to any person who applies sewage sludge, or a material derived from sewage sludge, to the land; ~~to sewage sludge, or a material derived from sewage sludge, or domestic septage that is applied to the land;~~ and to the land on which sewage sludge, or a material derived from sewage sludge, or domestic septage is applied.

2.a.i. The general requirements in Paragraph C.1 of this Section, the other requirements in Paragraph E.1 of this Section, the general management practices in Subparagraph C.2.a of this Section, and the other management practices in Paragraph E.2 of this Section do not apply when bulk sewage sludge is applied to the land if the bulk sewage sludge is *Exceptional Quality* as defined in LAC 33:IX.6901.HI and the preparer has received and maintains an Exceptional Quality ~~Certification~~ Permit under the

requirements in Subsection J of this Section.

ii. The general requirements in Paragraph C.1 of this Section, the other requirements in Paragraph E.1 of this Section, the general management practices in Subparagraph C.2.a of this Section, and the other management practices in Paragraph E.2 of this Section do not apply when a bulk material derived from sewage sludge is applied to the land if the derived bulk material is *Exceptional Quality* as defined in LAC 33:IX.6901.HI and the preparer has received and maintains an Exceptional Quality ~~Certification~~ Permit under the requirements in Subsection J of this Section.

b. ...

3.a.i. The general requirements in Paragraph C.1 of this Section and the general management practices in Paragraph C.2 of this Section do not apply if sewage sludge sold or given away in a bag or other container is *Exceptional Quality* as defined in LAC 33:IX.6901.HI and the preparer has received and maintains an Exceptional Quality ~~Certification~~ Permit under the requirements in Subsection J of this Section.

ii. The general requirements in Paragraph C.1 of this Section and the general management practices in Paragraph C.2 of this Section do not apply if a material derived from sewage sludge is sold or given away in a bag or other container and the material is *Exceptional Quality* as defined in LAC 33:IX.6901.HI and the preparer has received and maintains an Exceptional Quality ~~Certification~~ Permit under the requirements in Subsection J of this Section.

iii. The general requirements in Paragraph C.1 of this Section and the general management practices in Paragraph C.2 of this Section do not apply when a material derived from sewage sludge is sold or given away in a bag or other container for application to the land if the sewage sludge from which the material is derived is *Exceptional Quality* as defined in LAC 33:IX.6901.HI and the preparer has received and maintains an Exceptional Quality ~~Certification~~ Permit under the requirements in Subsection J of this Section.

A.3.b. - C.1.a.ii.(c). ...

b. No person shall apply sewage sludge; or a material derived from sewage sludge; ~~or domestic sewage~~ to the land except in accordance with the requirements in this Chapter.

c. The person who applies sewage sludge; or a material derived from sewage sludge; ~~or domestic sewage~~ to the land shall obtain information needed to comply with the requirements in this Chapter.

d. Sewage sludge; or a material derived from sewage sludge; ~~or domestic sewage~~ shall not be applied to the land until ~~either~~ a determination has been made by the administrative authority that the land application site is a legitimate beneficial use site ~~or the person who applies the sewage sludge or a material derived from sewage sludge to the land furnishes to the administrative authority written documentation from a qualified, independent third party, such as the Louisiana Cooperative Extension Service or the Louisiana Department of Agriculture, that the land application site is a legitimate beneficial use site.~~

## 2. General Management Practices

a. All Sewage Sludge, or a Material Derived from Sewage Sludge, ~~or Domestic Septage~~

i. ...

ii. Sewage sludge, or a material derived from sewage sludge, ~~or domestic septage~~ shall be applied to the land only in accordance with the requirements pertaining to slope in Table 1 of LAC 33:IX.6903.C.

iii. In addition to the restrictions addressed in Clause C.2.a.ii of this Section, all sewage sludge, or a material derived from sewage sludge, ~~or domestic septage~~ having a concentration of PCBs equal to or greater than 10 mg/kg of total solids (dry wt.) must be incorporated into the soil regardless of slope.

iv. When sewage sludge, or a material derived from sewage sludge, ~~or domestic septage~~ is applied to agricultural land, forest, or a reclamation site, the following buffer zones shall be established for each application area, unless otherwise specified by the ~~state~~ administrative authority:

(a). - (b). ...

(c). established school, institution, business, or occupied residential structure—~~200~~ 1000 feet, unless special permission is granted by a qualified representative of the established school, institution, business, or occupied residential structure; and

(d). ...

v. Sewage sludge, or a material derived from sewage sludge, ~~or domestic septage~~ shall not be applied to agricultural land, forest, or a reclamation site ~~if during the months when the water table is less than three or at two feet below the zone of incorporation at the time of application~~ soil surface as indicated in the Parish Soil Surveys or the Water Features Data published by the Natural Resources Conservation Service (NRCS); or some form of monitoring device shall be provided to ensure that the annual high water table is greater than two feet below the soil surface at the time of application.

vi. ~~No person shall apply domestic septage to agricultural land, forest, or a reclamation site during a 365-day period if the annual application rate in Paragraph D.3 of this Section has been reached during that period. The person who applies sewage sludge or a material derived from sewage sludge to agricultural or forest land shall provide proof to the administrative authority that a full nutrient management plan was developed for the agricultural or forest land where the sewage sludge or a material derived from sewage sludge is applied. The full nutrient management plan shall be developed by the Natural Resource Conservation Service, a certified soil scientist, or a certified crop advisor.~~

b. - b.ii.(d). ...

<b>Table 1 of LAC 33:IX.6903.C</b>
------------------------------------

<b>Slope Limitations for Land Application of Sewage Sludge or Domestic Septage</b>	
<b>Slope Percent</b>	<b>Application Restriction</b>
0-3	None, except drainage to prevent standing water shall be provided.
3-6	A 100-foot vegetated runoff area should be provided at the down slope end of the application area if a liquid is applied. Measures should be taken to prevent erosion.
6-12	Liquid material must be injected into the soil. Solid material must be incorporated into the soil if the site is not covered with vegetation. A 100-foot vegetated runoff area is required at the down slope end of the application area for all applications. Measures must be taken to prevent erosion. Terracing may be required if deemed a necessity by the <del>state</del> administrative authority to prevent runoff from the land application site and erosion.
>12	Unsuitable for application unless terraces are constructed and a 200-foot vegetated buffer area with a slope of less than 3 percent is provided at the down slope edge of the application area and the material is incorporated (solid material) and injected (liquid material) into the soil. Measures must be taken to prevent runoff from the land application site and to prevent erosion.

D. - D.2.d.Table 4. ...

3. ~~Repealed.Domestic Septage. The annual application rate for domestic septage applied to agricultural land, forest, or a reclamation site shall not exceed the annual application rate calculated using Equation (1).~~

~~Equation (1). Repealed.Equation (1)~~

$$\text{AAR} = \frac{N}{0.0026}$$

~~where:~~

~~AAR = \_\_\_\_\_ annual application rate in gallons per acre per 365-day period.~~  
~~N = \_\_\_\_\_ amount of nitrogen in pounds per acre per 365-day period needed by the crop or vegetation grown on the land.~~

E. - F.1.c. ...

~~2. \_\_\_\_\_ Pathogens—Domestic Septage. The requirements in either LAC 33:IX.6909.C.3.a or b shall be met when domestic septage is applied to agricultural land, forest, or a reclamation site.~~

32. Vector Attraction Reduction—Sewage Sludge

a. One of the vector attraction reduction requirements in LAC 33:IX.6909.D.2.a-j shall be met when bulk sewage sludge is applied to agricultural land, forest, a public contact site, or a reclamation site.

b. One of the vector attraction reduction requirements in LAC 33:IX.6909.D.2.a-h shall be met when sewage sludge or a material derived from sewage sludge is applied to a lawn or a home garden.

c. One of the vector attraction reduction requirements in LAC 33:IX.6909.D.2.a-h shall be met when sewage sludge is sold or given away in a bag or other container for application to the land.

~~4. \_\_\_\_\_ Vector Attraction Reduction—Domestic Septage. The vector attraction reduction requirements in LAC 33:IX.6909.D.2.i, j, or k shall be met when domestic septage is applied to agricultural land, forest, or a reclamation site.~~

G. Frequency of Monitoring

1. ~~Sewage Sludge~~

~~\_\_\_\_\_ a.~~ The frequency of monitoring for the pollutants listed in Table 1, Table 2, Table 3, and Table 4 of LAC 33:IX.6903.D; the frequency of monitoring for pathogen density requirements in LAC 33:IX.6909.C.1 and 2.b; and the frequency of monitoring for vector attraction reduction requirements in LAC 33:IX.6909.D.2.a-d and g-h shall be the frequency specified in Table 1 of LAC 33:IX.6903.G.

<b>Table 1 of LAC 33:IX.6903.G</b>	
<b>Frequency of Monitoring—Land Application</b>	
<b>Amount of Sewage Sludge<sup>1</sup> (metric tons per 365-day period)</b>	<b>Frequency</b>
Greater than zero but less than 290	Once per year
Equal to or greater than 290 but less than 1,500	Once per quarter (four times per year)

Equal to or greater than 1,500 but less than 15,000	Once per 60 days (six times per year)
Equal to or greater than 15,000	Once per month (12 times per year)
<sup>1</sup> Either the amount of bulk sewage sludge applied to the land or the amount of sewage sludge prepared for sale or give-away in a bag or other container for application to the land (dry weight basis).	

b.2. After the sewage sludge has been monitored for two years at the frequency in Table 1 of LAC 33:IX.6903.G, the permitting authority may reduce the frequency of monitoring for pollutant concentrations and for the pathogen density requirements in LAC 33:IX.6909.C.1.e.ii and iii.

2. ~~Domestic Septage. If either the pathogen requirements in LAC 33:IX.6909.C.3.b or the vector attraction reduction requirements in LAC 33:IX.6909.D.2.k are met when domestic septage is applied to agricultural land, forest, or a reclamation site, the permittee shall monitor each container of domestic septage applied to the land for compliance with those requirements.~~

#### H. Recordkeeping

1. ...

#### 2. ~~Sewage Sludge~~ Additional Recordkeeping

a. The recordkeeping requirements for the person who prepares the sewage sludge or a material derived from sewage sludge that is land applied and meets the criteria in Subparagraph A.2.a or 3.a of this Section are those indicated in Subparagraph J.5 ~~4~~.a of this Section.

b.-e.ii.(b), Certification. ...

3. ~~Domestic Septage. The person who applies domestic septage to agricultural land, forest, or a reclamation site shall develop the following information and shall retain the information for five years:~~

a. ~~the location, by either street address or latitude and longitude, of each site on which domestic septage is applied;~~

b. ~~the number of acres in each site on which domestic septage is applied;~~

c. ~~the date domestic septage is applied to each site;~~

d. ~~the nitrogen requirement for the crop or vegetation grown on each site during a 365-day period;~~

e. ~~the rate, in gallons per acre per 365-day period, at which domestic septage is applied to each site;~~

f. ~~\_\_\_\_\_ a description of how the pathogen requirements in either LAC 33:IX.6909.C.3.a or b are met;~~

g. ~~\_\_\_\_\_ a description of how the vector attraction reduction requirements in LAC 33:IX.6909.D.2.i, j, or k are met;~~

h. ~~\_\_\_\_\_ a description of how the general management practices in Clauses C.2.a.ii-vi of this Section are met; and~~

i. ~~\_\_\_\_\_ the following certification statement:~~

~~"I certify, under penalty of law, that the information that will be used to determine compliance with the general management practices at LAC 33:IX.6903.C.2.a.ii-vi, the pathogen requirements in [insert either LAC 33:IX.6909.C.3.a or b] and the vector attraction reduction requirements in [insert LAC 33:IX.6909.D.2.i, j, or k] was prepared under my direction and supervision in accordance with the system as described in the permit application, designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."~~

#### I. Reporting

##### 1. ...

##### 2. Additional Reporting Requirements

a. Reporting requirements for a person who prepares the sewage sludge or a material derived from sewage sludge having an Exceptional Quality ~~Certification Permit~~ are as indicated in Subparagraph J.5 4.b of this Section.

b. All other Class I sludge management facilities, as defined in LAC 33:IX.2313, ~~except the person in Clause H.2.d.ii of this Section who applies that apply bulk sewage sludge to the land and the person who applies domestic septage to the land, that and~~ are required to obtain a permit under LAC 33:IX.6901.C, shall submit the information in Paragraph H.2 of this Section, ~~except the information in Clause H.2.d.ii of this Section,~~ for the appropriate requirements, to the state administrative authority ~~on February 19 of each year~~ as indicated in the following clauses.

i. For facilities having a frequency of monitoring in Table 1 of LAC 33:IX.6903.G of once per year, the reporting period and the report due date shall be as specified in Table 1 of LAC 33:IX.6903.I.

ii. For facilities having a frequency of monitoring in Table 1 of LAC 33:IX.6903.G of once per quarter (four times per year), the reporting period and the report due date shall be as specified in Table 2 of LAC 33:IX.6903.I.

iii. For facilities having a frequency of monitoring in Table 1 of LAC 33:IX.6903.G of once per 60 days (six times per year), the reporting period and the report due date shall be as specified in Table 3 of LAC 33:IX.6903.I.

iv. For facilities having a frequency of monitoring in Table 1 of LAC 33:IX.6903.G of once per month (12 times per year), the reporting period and the report due date shall be as specified in Table 4 of LAC 33:IX.6903.I.

<b><u>Table 1 of LAC 33:IX.6903.I</u></b>	
<b><u>Reporting—Land Application</u></b>	
<b><u>Monitoring Period</u></b> <b><u>(Once per Year)</u></b>	<b><u>Report Due Date</u></b>
January - December	February 28

<u><b>Table 2 of LAC 33:IX.6903.I</b></u>	
<u><b>Reporting—Land Application</b></u>	
<u><b>Monitoring Period<sup>1</sup></b></u> <u><b>(Once per Quarter)</b></u>	<u><b>Report Due Date</b></u>
<u>January, February, March</u>	<u>August 28</u>
<u>April, May, June</u>	
<u>July, August, September</u>	<u>February 28</u>
<u>October, November,</u>	
<u>December</u>	
<u><sup>1</sup>Separate reports must be submitted for each monitoring period.</u>	

<b><u>Table 3 of LAC 33:IX.6903.I</u></b>	
<b><u>Reporting—Land Application</u></b>	
<b><u>Monitoring Period<sup>1</sup></u></b> <b><u>(Once per 60 Days)</u></b>	<b><u>Report Due Date</u></b>
<u>January, February</u>	<u>June 28</u>
<u>March, April</u>	
<u>May, June</u>	<u>October 28</u>
<u>July, August</u>	
<u>September, October</u>	<u>February 28</u>
<u>November, December</u>	
<u><sup>1</sup>Separate reports must be submitted for each monitoring period.</u>	

<b><u>Table 4 of LAC 33:IX.6903.I</u></b>	
<b><u>Reporting—Land Application</u></b>	
<b><u>Monitoring Period<sup>1</sup></u></b> <b><u>(Once per Month)</u></b>	<b><u>Report Due Date</u></b>
January	May 28
February	
March	
April	
May	



<u>June</u>	
<u>July</u>	
<u>August</u>	
<u>September</u>	<u>November 28</u>
<u>October</u>	
<u>November</u>	
<u>December</u>	<u>February 28</u>
<sup>1</sup> <u>Separate reports must be submitted for each monitoring period.</u>	

c. ~~— The person referred to in Clause H.2.d.ii of this Section who applies bulk sewage sludge to the land and is required to obtain a permit under LAC 33:IX.6901.C shall submit the information in Clause H.2.d.ii of this Section to the state administrative authority on February 19 of each year when 90 percent or more of any of the cumulative pollutant loading rates in Table 2 of LAC 33:IX.6903.D is reached at a land application site.~~

d. ~~— The person who applies domestic septage to the land shall submit the information referred to in Paragraph H.3 of this Section for the appropriate requirements to the state administrative authority on February 19 of each year.~~

3. The state administrative authority may require any facility indicated in Subparagraph I.2.a of this Section to report any or all of the information required in Subparagraphs I.2.b-d of this Section if deemed necessary for the protection of human health or the environment.

#### J. Exceptional Quality Certification Permit

1.a. The person who prepares the sewage sludge or a material derived from sewage sludge who desires to receive an Exceptional Quality Certification Permit must prepare sewage sludge that is of Exceptional Quality as defined in LAC 33:IX.6901.H~~I~~ and shall forward to the state administrative authority an Exceptional Quality Certification Permit Request Form having the following information:

i. - vi.(h). ...

b. Samples required to be collected in accordance with Clauses J.1.a.i-v of this Section shall be from at least four representative samplings of the sewage sludge or the material derived from sewage sludge taken at least 60 days apart within the 12 months prior to the date of the submittal of an Exceptional Quality Certification Permit Request Form.

2. ~~— The state administrative authority shall determine whether the sewage sludge or the material derived from sewage sludge is of *Exceptional Quality* as defined in LAC 33:IX.6901.H, and shall determine whether to issue an Exceptional quality Certification, within 30 days of having received a complete form having all of the information requested in Subparagraph J.1.a of this Section.~~

32. Any Exceptional Quality Certification Permit shall have a term of not more than five years.

43.a. For the term of the Exceptional Quality ~~Certification~~ Permit, the preparer of the sewage sludge or material derived from sewage sludge shall conduct continued sampling at the frequency of monitoring specified in Paragraph G.1 of this Section. The samples shall be analyzed for the parameters specified in Clauses J.1.a.i-iii of this Section, and for the pathogen and vector attraction reduction requirements in Clauses J.1.a.iv and v, as required by LAC 33:IX.6909.

b. If results of the sampling indicate that the sewage sludge or the material derived from sewage sludge no longer is *Exceptional Quality* as defined in LAC 33:IX.6901.~~HI~~, then the preparer must cease any land application of the sewage sludge as an Exceptional Quality sewage sludge.

c. If the sewage sludge that is no longer of Exceptional Quality is used or disposed, the exemption for Exceptional Quality sewage sludge no longer applies and the sewage sludge must meet all the requirements and restrictions of this Chapter that apply to a sewage sludge that is not Exceptional Quality.

d. The sewage sludge or material derived from sewage sludge shall not be applied to the land as an Exceptional Quality sewage sludge until the sample analyses have shown that the sewage sludge or material derived from sewage sludge meets the criteria for *Exceptional Quality* as defined in LAC 33:IX.6901.~~HI~~.

54.a. Recordkeeping. The person who prepares the sewage sludge or a material derived from sewage sludge shall develop the following information and shall retain the information for five years:

- i. the results of the sample analysis required in Subparagraph J.43.a of this Section; and
- ii. the following certification statement:

"I certify, under penalty of law, that the information that will be used to determine compliance with the Exceptional Quality pathogen requirements in LAC 33:IX.6909.C.1 and the vector attraction reduction requirement in [insert one of the vector attraction reduction requirements in LAC 33:IX.6909.D.2.a-h] was prepared under my direction and supervision in accordance with the system as described in the permit application, designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

b. Reporting. The person who prepares the sewage sludge or a material derived from sewage sludge shall forward the information required in Subparagraph J.54.a. of this Section to the ~~state~~-administrative authority on a quarterly basis. The schedule for quarterly submission is contained in the following table.

Schedule For Quarterly Submission	
Monitoring Period	<u>DMR Report</u> Due Date

January, February, March	<del>April</del> <u>May</u> 28
April, May, June	<del>July</del> <u>August</u> 28
July, August, September	<del>October</del> <u>November</u> 28
October, November, December	<u>January</u> <u>February</u> 28

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HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:785 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:\*\*.

#### **§6905. Siting and Operation Requirements for Commercial Blenders, Composters, Mixers, or Preparers of Sewage Sludge**

##### **A. Siting**

##### **1. Location Characteristics**

a. ...

b. Facilities that are not located within the boundaries of a legally zoned and established industrial park:

i. \_\_\_\_\_ shall not be located less than ~~200~~ 1,000 feet from a ~~residence or place of business~~ an established school, hospital, institution, day-care facility, nursing home, hotel/motel, playground, park, golf course, or restaurant/food establishment unless special permission is granted by the owner of the established school, hospital, institution, day-care facility, nursing home, hotel/motel, playground, park, golf course, or restaurant/food establishment. The permission must be in the form of an affidavit executed by the owner waiving the 1,000-foot buffer zone. However, in no case shall the facility be located less than 200 feet from any of the above establishments;

ii. \_\_\_\_\_ shall not be located less than 500 feet from an established home residence unless special permission has been granted by the owner of the established home residence in the form of an affidavit executed by the owner waiving the 500-foot buffer zone. However, in no case shall the facility be located less than 200 feet from an established home residence.

c. Facilities shall not be located less than ~~400~~ 300 feet from a ~~private or public~~ potable water source supply or a private water supply elevated or ground storage tank unless special permission is granted by the private potable water supply owner.

d. Facilities shall not be located less than 300 feet from a

public potable water supply or a public water supply elevated or ground storage tank unless special permission is granted by the Department of Health and Hospitals.

de. Untreated sewage sludge and/or supplement or feedstock material to be utilized at a facility shall not be located less than 25 feet from a subsurface drainage pipe or drainage ditch that discharges directly to waters of the state.

ef. Composting operations should not be located on airports. However, when they are located on an airport, composting operations should not Facilities that prepare or compost only sewage sludge or blend, mix, or compost sewage sludge and have only woodchips or yard waste (e.g., leaves, lawn clippings, or branches) as feedstock or supplements shall not be located closer than the greater of the following distances:

i. 1,200 feet from any aircraft's approach or departure airspace or air operations area as defined in LAC 33:IX.6901.I movement area, loading ramp; or

ii. aircraft parking space; or the distance called for by the U. S. Department of Transportation Federal Aviation Administration's airport design requirements.

g. Facilities that blend, mix, or compost sewage sludge that include food or other municipal solid waste as feedstock or supplements shall not be located closer than:

i. 5,000 feet from any airport property boundary (including any aircraft's approach or departure airspace or air operations area) if the airport does not sell Jet-A fuel and serves only piston-powered aircrafts; or

ii. 10,000 feet from any airport property boundary (including any aircraft's approach or departure airspace or air operations area) if the airport sells Jet-A fuel and serves turbine-powered aircrafts or sells Jet-A fuel and is designed to serve turbine-powered and/or piston-powered aircrafts.

fh. Facilities shall not be located less than 100 feet from a wetlands, surface waters (streams, ponds, lakes), or areas historically subject to overflow from floods.

gi. Facilities shall only be located in a hydrologic section where the historic high water table is at a minimum of a three-foot depth below the surface, or the water table at the facility shall be controlled to a minimum of a three-foot depth below this zone.

hj. Storage and processing of sewage sludge or any material derived from sewage sludge is prohibited within any of the buffer zones indicated in Subparagraphs A.1.a-gi of this Section.

ik. Facilities located in, or within, 1,000 feet of, swamps, marshes, wetlands, estuaries, wildlife-hatchery areas, habitat of endangered species, archaeological sites, historic sites, publicly owned recreation areas, and similar critical environmental areas shall be isolated from such areas by effective barriers that eliminate probable adverse impacts from facility operations.

j~~l~~. Facilities located in, or within, 1,000 feet of, an aquifer recharge zone shall be designed to protect the areas from adverse impacts of operations at the facility.

k~~m~~. Access to facilities by land or water transportation shall be by all-weather roads or waterways that can meet the demands of the facility and are designed to avoid, to the extent practicable, congestion, sharp turns, obstructions, or other hazards conducive to accidents; and the surface roadways shall be adequate to withstand the weight of transportation vehicles.

## 2. Facility Characteristics

a. - b. ...

c. Receiving and Monitoring Sewage Sludge, Other Feedstock, or Supplements Used

i. Each processing or treatment facility shall be equipped with a device or method to determine quantity (by wet-weight tonnage), sources (whether the sewage sludge or other feedstock or supplements to be mixed with the sewage were generated in-state or out-of-state), and types of feedstock or supplements. The facility shall also be equipped with a device or method to control entry of sewage sludge, other feedstock, or supplements coming on-site and prevent entry of unrecorded or unauthorized deliverables (i.e., hazardous, industrial, unauthorized, or unpermitted solid waste).

ii. Each processing or treatment facility shall be equipped with a central control and recordkeeping system for tabulating the information required in Clause A.2.c.i of this Section.

A.3. - B.3.c.v. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:794 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:\*\*.

### **§6907. Financial Assurance Requirements for Commercial Blenders, Composters, Mixers, ~~or Preparers~~, or Land Appliers of Sewage Sludge**

A. - A.2. ...

a. Evidence of liability insurance may consist of either a signed duplicate original of a commercial blender, composter, ~~or mixer~~, preparer, or land applicer of sewage sludge liability endorsement, or a certificate of insurance. All liability endorsements and certificates of insurance must include:

2.a.i. - 5.a.i. ...

ii. the guarantor is the parent corporation of the permit

holder or applicant of the commercial blender, composter, ~~or mixer,~~ preparer, or land applier of sewage sludge facility or facilities to be covered by the guarantee, and the guarantee extends to certain facilities;

A.5.a.iii. – B.8.d. ...

i. a list of commercial blender, composter, ~~or mixer,~~ preparer, or land applier of sewage sludge facilities, whether in Louisiana or not, owned or operated by the permit holder or applicant of the facility, for which financial assurance for liability coverage is demonstrated through the use of financial tests, including the amount of liability coverage;

ii. a list of commercial blender, composter, ~~or mixer,~~ preparer, or land applier of sewage sludge facilities, whether in Louisiana or not, owned or operated by the permit holder or applicant, for which financial assurance for the closure or post-closure care is demonstrated through the use of a financial test or self-insurance by the permit holder or applicant, including the cost estimates for the closure and post-closure care of each facility;

iii. a list of the commercial blender, composter, ~~or mixer,~~ preparer, or land applier of sewage sludge facilities, whether in Louisiana or not, owned or operated by any subsidiaries of the parent corporation for which financial assurance for closure and/or post-closure is demonstrated through the financial test or through use of self-insurance, including the current cost estimate for the closure or post-closure care for each facility and the amount of annual aggregate liability coverage for each facility; and

iv. a list of commercial blender, composter, ~~or mixer,~~ preparer, or land applier of sewage sludge facilities, whether in Louisiana or not, for which financial assurance for closure or post-closure care is not demonstrated through the financial test, self-insurance, or other substantially equivalent state mechanisms, including the estimated cost of closure and post-closure of such facilities.

e. – i.i. ...

ii. the guarantor is the parent corporation of the permit holder or applicant of the commercial blender, composter, ~~or mixer,~~ preparer, or land applier of sewage sludge facility or facilities to be covered by the guarantee, and the guarantee extends to certain facilities;

iii. *closure plans*, as used in the guarantee, refers to the plans maintained as required by the Louisiana commercial blender, composter, ~~or mixer,~~ preparer, or land applier of sewage sludge rules and regulations for the closure and post-closure care of facilities, as identified in the guarantee;

8.i.iv. – 12.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:796 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office

of the Secretary, Legal Affairs Division, LR 31:\*\*.

### §6909. Pathogens and Vector Attraction Reduction

A. Scope. This Section contains the following:

1. ...
2. the site restrictions for land on which a Class B sewage sludge is applied; and
3. ~~the pathogen requirements for domestic septage applied to agricultural land, forest, or a reclamation site; and~~
43. the alternative vector attraction reduction requirements for sewage sludge that is applied to the land.

B. Special Definitions. In addition to the terms referenced and defined at LAC 33:IX.6901.~~HI~~, the following definitions apply to this Section.

\* \* \*

C. Pathogens

1. Sewage Sludge—Exceptional Quality
  - a. – b. ...
  - c. Exceptional Quality—Alternative 1
    - i. Either the density of fecal coliform in the sewage sludge shall be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of *Salmonella sp.* bacteria in the sewage sludge shall be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the sewage is used or disposed, at the time the sewage sludge is prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality* as defined in LAC 33:IX.6901.~~HI~~.
    - c.ii. – d. ...
      - i. Either the density of fecal coliform in the sewage sludge shall be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of *Salmonella sp.* bacteria in the sewage sludge shall be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed, at the time the sewage sludge is prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality* as defined in LAC 33:IX.6901.~~HI~~.
      - ii.(a). – ii.(c). ...
  - e. Exceptional Quality—Alternative 3
    - i. Either the density of fecal coliform in the sewage

sludge shall be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of *Salmonella sp.* bacteria in sewage sludge shall be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed, at the time the sewage sludge is prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality* as defined in LAC 33:IX.6901.HI.

ii.(a). – iii.(d). ...

f. Exceptional Quality—Alternative 4

i. Either the density of fecal coliform in the sewage sludge shall be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of *Salmonella sp.* bacteria in the sewage sludge shall be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed, at the time the sewage sludge is prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality* as defined in LAC 33:IX.6901.HI.

ii. ...

iii. The density of viable helminth ova in the sewage sludge shall be less than one per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed, at the time the sewage sludge is prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality* as defined in LAC 33:IX.6901.HI.

g. Exceptional Quality—Alternative 5

i. Either the density of fecal coliform in the sewage sludge shall be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of *Salmonella sp.* bacteria in the sewage sludge shall be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed, at the time the sewage sludge is prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality* as defined in LAC 33:IX.6901.HI.

ii. ...

h. Exceptional Quality—Alternative 6

i. Either the density of fecal coliform in the sewage sludge shall be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of *Salmonella sp.* bacteria in the sewage sludge shall be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed, at the time the sewage sludge is prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the



requirements of *Exceptional Quality* as defined in LAC 33:IX.6901.~~HI~~.

1.h.ii. - 2.e.v. ...

vi. Turf grown on land where sewage sludge is applied shall not be harvested for one year after application of the sewage sludge when the harvested turf is placed on either land with a high potential for public exposure or a lawn, unless otherwise specified by the ~~permitting~~ administrative authority.

vii. - viii. ...

3. ~~Repealed. Domestic Septage. For domestic septage applied to agricultural land, forest, or a reclamation site:~~

a. ~~Repealed. the site restrictions in Subparagraph C.2.e of this Section shall be met; or~~

b. ~~Repealed. the pH of the domestic septage shall be raised to 12 or higher by alkali addition and, without the addition of more alkali, shall remain at 12 or higher for 30 minutes and the site restrictions in Clauses C.2.e.i iv of this Section shall be met.~~

D. - D.1.c. ...

d. ~~Repealed. One of the vector attraction reduction requirements in Subparagraph D.2.i, j, or k of this Section shall be met when domestic septage is applied to the agricultural land, forest, or a reclamation site.~~

2.a. - 2.j.ii. ...

k. ~~Repealed. The pH of domestic septage shall be raised to 12 or higher by alkali addition and, without the addition of more alkali, shall remain at 12 or higher for 30 minutes.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:806 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:\*\*.

## **§6911. Incineration**

A. - A.2. ...

B. Special Definitions. All terms not defined below shall have the meaning given them in LAC 33:IX.6901.~~HI~~ and in LAC 33:III.111.

\* \* \*

C. - C.2.f. ...

3. In conducting the performance tests required in Paragraph C.2 of this Section, the owner or operator shall use as reference methods and procedures the test methods referenced in LAC 33:IX.6901.~~GH~~ or other methods and procedures as specified

in this Section, except as provided for in Subparagraph C.2.b of this Section.

C.4.a. - D.6.b.iv. ...

v. samples of the sewage sludge charged to the incinerator shall be collected in nonporous jars at the beginning of each run and at approximately 1-hour intervals thereafter until the test ends, and "2540 G Total Fixed and Volatile Solids in Solid and Semisolid Samples"~~209 F. Method for Solid and Semisolid Samples"~~ (40 CFR 60.17, incorporated by reference in LAC 33:III.3003) shall be used to determine dry sewage sludge content of each sample (total solids residue), except that:

D.6.v.(a). - I.3.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:809 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:\*\*.

## **Chapter 71. Appendices**

### **§7135. Appendix R—Financial Assurances Documents**

#### **Document 1. Liability Endorsement**

COMMERCIAL BLENDER, COMPOSTER, ~~OR MIXER, PREPARER, OR LAND~~  
APPLIER OF SEWAGE SLUDGE

LIABILITY ENDORSEMENT

\* \* \*

[See Prior Text in Liability Endorsement]

#### **Document 2. Certificate of Insurance**

COMMERCIAL BLENDER, COMPOSTER, ~~OR MIXER, PREPARER, OR LAND~~  
APPLIER OF SEWAGE SLUDGE FACILITY

CERTIFICATE OF LIABILITY INSURANCE

\* \* \*

[See Prior Text in Certificate of Liability Insurance]

**Document 3. Letter of Credit****COMMERCIAL BLENDER, COMPOSTER, ~~OR~~ MIXER, PREPARER, OR LAND APPLIER OF SEWAGE SLUDGE FACILITY****IRREVOCABLE LETTER OF CREDIT**

\* \* \*

[See Prior Text in Irrevocable Letter of Credit]

(A). A final judgment issued by a competent court of law in favor of a governmental body, person, or other entity and against [permit holder's or applicant's name] for sudden and accidental occurrences for claims arising out of injury to persons or property due to the operation of the commercial blender, composter, ~~or mixer~~, preparer, or land applier of sewage sludge site at the [name of permit holder or applicant] at [site location] as set forth in the Louisiana Administrative Code (LAC), Title 33, Part IX, 6907.A.

\* \* \*

[See Prior Text in Irrevocable Letter of Credit]

**Document 4. Trust Agreement****COMMERCIAL BLENDER, COMPOSTER, ~~OR~~ MIXER, PREPARER, OR LAND APPLIER OF SEWAGE SLUDGE FACILITY****TRUST AGREEMENT/STANDBY TRUST AGREEMENT**

This Trust Agreement (the "Agreement") is entered into as of [date] by and between [name of permit holder or applicant], a [name of state] [insert "corporation," "partnership," "association," or "proprietorship"], the "Grantor," and [name of corporate trustee], [insert "incorporated in the state of" or "a national bank" or "a state bank"], the "Trustee."

WHEREAS, the Department of Environmental Quality of the State of Louisiana, an agency of the state of Louisiana, has established certain regulations applicable to the Grantor, requiring that a permit holder or applicant for a permit of a commercial blender, composter, ~~or mixer~~, preparer, or land applier of sewage sludge processing facility shall provide assurance that funds will be available when needed for [closure and/or post-closure] care of the facility;

WHEREAS, the Grantor has elected to establish a trust to provide all or part of such financial assurance for the facility identified herein;

WHEREAS, the Grantor, acting through its duly authorized officers, has selected [the Trustee] to be the trustee under this Agreement, and [the Trustee] is willing to act as trustee.

NOW, THEREFORE, the Grantor and the Trustee agree as follows:

\* \* \*

[See Prior Text in Trust Agreement]

**Document 5. Surety Bond****COMMERCIAL BLENDER, COMPOSTER, ~~OR~~ MIXER, PREPARER, OR LAND  
APPLIER OF SEWAGE SLUDGE FACILITY****FINANCIAL GUARANTEE BOND**

Date bond was executed: \_\_\_\_\_

Effective date: \_\_\_\_\_

Principal: [legal name and business address of permit holder or applicant]

Type of organization: [insert "individual," "joint venture," "partnership," or  
"corporation"]

State of incorporation: \_\_\_\_\_

Surety: [name and business address]

[agency interest number, site name, facility name, facility permit number, and  
current closure and/or post-closure amount(s) for each facility guaranteed by this  
bond]

Total penal sum of bond: \$ \_\_\_\_\_

Surety's bond number: \_\_\_\_\_

Know All Persons By These Presents, That we, the Principal and Surety hereto, are firmly bound to the Louisiana Department of Environmental Quality in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where Sureties are corporations acting as cosureties, we the sureties bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit or liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS, said Principal is required, under the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., and specifically Section 2074(B)(4), to have a permit in order to own or operate the commercial blender, composter, ~~or~~ mixer, preparer, or land applier of sewage sludge facility identified above; and

WHEREAS, the Principal is required by law to provide financial assurance for closure and/or post-closure care, as a condition of the permit; and

WHEREAS, said Principal shall establish a standby trust fund as is required by the *Louisiana Administrative Code* (LAC), Title 33, Part IX.6907, when a surety bond is used to provide such financial assurance;

NOW THEREFORE, the conditions of the obligation are such that if the Principal shall faithfully, before the beginning of final closure of the facility identified above, fund the standby trust fund in the amount(s) identified above for the facility,

OR, if the Principal shall fund the standby trust fund in such amount(s) within 15 days after an order to close is issued by the administrative authority or a court of competent jurisdiction,

OR, if the Principal shall provide alternate financial assurance as specified in LAC 33:IX.6907.B and obtain written approval from the administrative authority of such assurance, within 90 days after the date of notice of cancellation is received by both the Principal and the administrative authority from the Surety,

THEN, this obligation shall be null and void; otherwise it is to remain in full force and effect.

The Surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the administrative authority that the Principal has failed to perform as guaranteed by this bond, the Surety shall place funds in the amount guaranteed for the facility into the standby trust fund as directed by the administrative authority.

The Surety hereby waives notification or amendments to closure plans, permits, applicable laws, statutes, rules, and regulations, and agrees that no such amendment shall in any way alleviate its obligation on this bond.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of the penal sum.

The Surety may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the administrative authority. Cancellation shall not occur before 120 days have elapsed beginning on the date that both the Principal and the administrative authority received the notice of cancellation, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety and to the administrative authority, provided, however, that no such notice shall become effective until the Surety has received written authorization for termination of the bond by the administrative authority.

Principal and Surety hereby agree to adjust the penal sum of the bond yearly in accordance with LAC 33:IX.6907.B and the conditions of the commercial blender, composter, ~~or~~ mixer, preparer, or land applier of sewage sludge facility permit so that it guarantees a new closure and/or post-closure amount, provided that the penal sum does not increase or decrease without the written permission of the administrative authority.

\* \* \*

[See Prior Text in Financial Guarantee Bond]

#### **Document 6. Performance Bond**

COMMERCIAL BLENDER, COMPOSTER, ~~OR~~ MIXER, PREPARER, OR LAND APPLIER OF SEWAGE SLUDGE FACILITY

## PERFORMANCE BOND

Date bond was executed: \_\_\_\_\_

Effective date: \_\_\_\_\_

Principal: [legal name and business address of permit holder or applicant]

Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]

State of incorporation: \_\_\_\_\_

Surety: [name(s) and business address(es)]

[agency interest number, site name, facility name, facility permit number, facility address, and closure and/or post-closure amount(s) for each facility guaranteed by this bond (indicate closure and/or post-closure costs separately)]

Total penal sum of bond: \$ \_\_\_\_\_

Surety's bond number: \_\_\_\_\_

Know All Persons by These Presents, That we, the Principal and Surety hereto, are firmly bound to the Louisiana Department of Environmental Quality in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally; provided that, where Sureties are corporations acting as cosureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS, said Principal is required, under the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., and specifically Section 2074(B)(4), to have a permit in order to own or operate the commercial blender, composter, ~~or~~ mixer, preparer, or land applier of sewage sludge facility identified above; and

WHEREAS, the Principal is required by law to provide financial assurance for closure and/or post-closure care, as a condition of the permit; and

WHEREAS, said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

THEREFORE, the conditions of this obligation are such that if the Principal shall faithfully perform closure, whenever required to do so, of the facility for which this bond guarantees closure, in accordance with the closure plan and other requirements of the permit as such plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended;

AND, if the Principal shall faithfully perform post-closure care of each facility for which this bond guarantees post-closure care, in accordance with the closure plan and other requirements of the permit, as such plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such

laws, statutes, rules, and regulations may be amended;

OR, if the Principal shall provide financial assurance as specified in *Louisiana Administrative Code* (LAC), Title 33, Part IX.6907.B and obtain written approval of the administrative authority of such assurance, within 90 days after the date of notice of cancellation is received by both the Principal and the administrative authority, then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described hereinabove.

Upon notification by the administrative authority that the Principal has been found in violation of the closure requirements of LAC 33:IX.6905.B.3, or of its permit, for the facility for which this bond guarantees performances of closure, the Surety shall either perform closure, in accordance with the closure plan and other permit requirements, or place the closure amount guaranteed for the facility into the standby trust fund as directed by the administrative authority.

Upon notification by the administrative authority that the Principal has been found in violation of the post-closure requirements of the LAC 33:IX.6905.B.3, or of its permit for the facility for which this bond guarantees performance of post-closure, the Surety shall either perform post-closure in accordance with the closure plan and other permit requirements or place the post-closure amount guaranteed for the facility into the standby trust fund as directed by the administrative authority.

Upon notification by the administrative authority that the Principal has failed to provide alternate financial assurance, as specified in LAC 33:IX.6907.B, and obtain written approval of such assurance from the administrative authority during the 90 days following receipt by both the Principal and the administrative authority of a notice of cancellation of the bond, the Surety shall place funds in the amount guaranteed for the facility into the standby trust fund as directed by the administrative authority.

The Surety hereby waives notification of amendments to closure plans, permit, applicable laws, statutes, rules, and regulations, and agrees that no such amendment shall in any way alleviate its obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of the penal sum.

The Surety may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the administrative authority. Cancellation shall not occur before 120 days have lapsed beginning on the date that both the Principal and the administrative authority received the notice of cancellation, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety and to the administrative authority, provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of

the bond by the administrative authority.

Principal and Surety hereby agree to adjust the penal sum of the bond yearly in accordance with LAC 33:IX.6907.B and the conditions of the commercial blender, composter, ~~or mixer~~, preparer, or land applier of sewage sludge facility permit so that it guarantees a new closure and/or post-closure amount, provided that the penal sum does not increase or decrease without the written permission of the administrative authority.

\* \* \*

[See Prior Text in Performance Bond]

**Document 7. Letter of Credit**

COMMERCIAL BLENDER, COMPOSTER, ~~OR MIXER~~, PREPARER, OR LAND APPLIER OF SEWAGE SLUDGE FACILITY

IRREVOCABLE LETTER OF CREDIT

\* \* \*

[See Prior Text in Irrevocable Letter of Credit]

**Document 8. Certificate of Insurance**

COMMERCIAL BLENDER, COMPOSTER, ~~OR MIXER~~, PREPARER, OR LAND APPLIER OF SEWAGE SLUDGE FACILITY

CERTIFICATE OF INSURANCE FOR CLOSURE AND/OR POST-CLOSURE CARE

\* \* \*

[See Prior Text in Certificate of Insurance]

**Document 9. Letter from the Chief Financial Officer**

COMMERCIAL BLENDER, COMPOSTER, ~~OR MIXER~~, PREPARER, OR LAND APPLIER OF SEWAGE SLUDGE FACILITY

LETTER FROM THE CHIEF FINANCIAL OFFICER (LIABILITY COVERAGE, CLOSURE, AND/OR POST-CLOSURE)

\* \* \*

[See Prior Text in Letter]

(A). The firm identified above is the [insert "permit holder," "applicant for



a standard permit," or "parent corporation of the permit holder or applicant for a standard permit"] of the following commercial blender, composter, ~~or mixer,~~ preparer, or land applier of sewage sludge facilities, whether in Louisiana or not, for which liability coverage is being demonstrated through the financial test specified in LAC 33:IX.6907.A. The amount of annual aggregate liability coverage covered by the test is shown for each facility:

(B). The firm identified above is the [insert "permit holder," "applicant for a standard permit," or "parent corporation of the permit holder or applicant for a standard permit"] of the following commercial blender, composter, ~~or mixer,~~ preparer, or land applier of sewage sludge facilities, whether in Louisiana or not, for which financial assurance for [insert "closure," "post-closure," or "closure and post-closure"] is demonstrated through a financial test similar to that specified in LAC 33:IX.6907.B or other forms of self-insurance. The current [insert "closure," "post-closure," or "closure and post-closure"] cost estimates covered by the test are shown for each facility:

(C). This firm guarantees through a corporate guarantee similar to that specified in [insert "LAC 33:IX.6907.B" or "LAC 33:IX.6907.A and B"], [insert "liability coverage," "closure," "post-closure," or "closure and post-closure"] care of the following commercial blender, composter, ~~or mixer,~~ preparer, or land applier of sewage sludge facilities, whether in Louisiana or not, of which [insert the name of the permit holder or applicant] are/is a subsidiary of this firm. The amount of annual aggregate liability coverage covered by the guarantee for each facility and/or the current cost estimates for the closure and/or post-closure care so guaranteed is shown for each facility:

(D). This firm is the owner or operator of the following commercial blender, composter, ~~or mixer,~~ preparer, or land applier of sewage sludge facilities, whether in Louisiana or not, for which financial assurance for liability coverage, closure and/or post-closure care is not demonstrated either to the U.S. Environmental Protection Agency or to a state through a financial test or any other financial assurance mechanism similar to those specified in LAC 33:IX.6907.A and/or B. The current closure and/or post-closure cost estimates not covered by such financial assurance are shown for each facility:

\* \* \*

[See Prior Text in Letter]

### **Document 10. Corporate Guarantee**

**COMMERCIAL BLENDER, COMPOSTER, ~~OR MIXER,~~ PREPARER, OR LAND APPLIER OF SEWAGE SLUDGE FACILITY**

**CORPORATE GUARANTEE FOR LIABILITY COVERAGE, CLOSURE,  
AND/OR POST-CLOSURE CARE**

\* \* \*

[See Prior Text in Corporate Guarantee]

(B). [Subsidiary] is the [insert "permit holder," or "applicant for a permit"] hereinafter referred to as [insert "permit holder" or "applicant"] for the following commercial blender, composter, ~~or mixer~~, preparer, or land applier of sewage sludge facility covered by this guarantee: [List the agency interest number, site name, facility name, and facility permit number. Indicate for each facility whether guarantee is for liability coverage, closure, and/or post-closure and the amount of annual aggregate liability coverage, closure, and/or post-closure costs covered by the guarantee.]

[Fill in Paragraphs (C) and (D) below if the guarantee is for closure and/or post-closure.]

\* \* \*

[See Prior Text in Corporate Guarantee]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:818 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:\*\*.